

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR COUNCIL MEETING
Thursday, January 26, 2006
3:30 p.m.

PRESENT: Thomas W. Cadden, Mayor
David J. Becker, Vice Mayor
Frances F. Atchison, Councilmember
E. William Kenyon, Councilmember
William H. Ahrens, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Bill Schauman, Chief of Public Safety
Richard Jefferson, Building Official
Chester Clem, Town Attorney

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Kenyon
 - c. Roll Call
2. **Consent Agenda.**
 - a. Acceptance of Building & Grounds Committee Minutes of November 16, 2005
 - b. Approval of Special Meeting (Urban Service Area) Minutes November 29, 2005
 - c. Acceptance of Planning, Zoning & Variance Board Minutes of December 12, 2005
 - d. Approval of Regular Town Council Meeting Minutes of December 15, 2005
 - e. Approval of Invoices:
 - Richeson & Coke, Services in November & December '05
 - Berman Hopkins Wright & LaHam, CPA's, Statement received 1-18-06
 - Registry Services for December '05
 - Carl Brobst Construction for December '05
 - Florida Municipal Insurance Trust for Final Insurance Premium, FY05

Mayor Cadden asked Mr. Bradshaw to address item "e," Florida Municipal Insurance Trust for Final Insurance Premium for FY05. Mr. Bradshaw stated that a revised number had been negotiated with a lower figure of \$39,912. The Mayor asked for a **motion on the consent agenda with the change to the insurance premium**, which was made by Councilman Kenyon and seconded by Councilman Becker. There was no discussion. The Mayor called for a voice vote, which passed unanimously.

3. **Mayor's Items**
 - a. Resolution 06-01, Florida League of Cities Legislative Support
Mayor Cadden said that as last year, the Florida League of Cities has asked all of the

NOTE: *The Town of Indian River Shores does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Town of Indian River Shores Town Council with respect to any matter considered at this meeting, he or she will need to make a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286-0105.*

municipalities who are members of the FLC to pass a resolution for legislative action on items listed on the resolution. We have very good lobbyists who will work diligently to improve and protect municipalities rights. He read the title of the resolution, and then called for a motion. **Councilman Kenyon, supported by Councilmember Atchison, made a motion to approve the Resolution 06-01, which passed unanimously** in a roll call vote.

4. **Finance Committee**

Joe Duncan said that the Finance Committee had met with the Auditors on January 18th, and received the very good report. He introduced Ross Whitley.

a. **Audit Report, FY 04/05 (Ross Whitley, CPA)**

Mr. Whitley said he is a partner in the Town's auditing firm of Berman Hopkins Wright LaHam, CPAs. He referred the Council to their copy of the audit report, explaining what an unqualified opinion is as addressed on page one. He spoke about the reformat of financial statements to be in compliance with GASB-34. It adds different levels of reporting, one of which is a narrative explanation of the government's financial operation. The Management Discussion and Analysis on pages 3-11 is a staff report prepared by the Town Treasurer, Judith Lewis, who he said had done a magnificent job. It describes the financial report in layman's terms so that the public can understand it. The auditing firm does not give any opinion on that section but ensures that the numbers quoted tie to the financial statements.

The General Fund had excess revenue over expenditures of \$1,580,000 for the year, and the Road and Bridge Fund had an excess of revenue over expenditures of \$46,000, so the General Fund had an undesignated surplus of over \$2,333,000 at the end of the year. Of that, a little over \$1,200,000 was unreserved and undesignated. In the Road and Bridge Fund, all of which was reserved, there was \$451,000 in surplus in that fund. Mr. Whitley also explained the Auditor's Management Comments on page 55, results from the significant amount of testing they are required to do to determine if the Town is in compliance with laws, regulations, contracts, State laws, and the local charter and ordinances. Some suggestions or comments were made here with management response following those comments. The comments were 1) the Town's travel and meal reimbursement policy, whereby the department head had not signified approval; 2) the method in which the Council was informed about emergency expenditures in relation to the hurricane, which were discussed in a Council meeting but were not detailed in a line item on the agenda; 3) some petty cash funds were being maintained and reconciled by the same person, which is in need of an internal control; 4) during the year the Town piggybacked on another governmental entity's contract, which is not specified as allowable in the charter, so a recommendation has been made to amend the charter; and 5) a budget amendment that could have been made up to 60 days after year end to address an overexpenditure in the Public Safety Department, of which the Town staff was unaware, could be done. Mr. Whitley thanked the staff for their support and a smooth audit.

b. **Committee Recommendations (Joe Duncan, Chairman)**

Mr. Duncan said that the Town had been striving to maintain an emergency fund, and the hurricanes had interfered with that goal. He pointed to page 14 of the Audit Report the \$442,774. An internal target of \$1.5 million was set, and comparable Towns that have ocean access and associated risk have an average reserve of \$2.5 million, and revised the goal of \$2 million. Today the Finance Committee recommends taking \$1,050,000 plus out of the General Undesignated Reserve and move it to the Emergency Fund, which puts the Town at the interim target of \$1.5 million. There will be about \$200,000 left in the General Fund, and almost \$700,000 in the Infrastructure Fund, which has been building because the expenditures are less than the income that we are receiving for that purpose. The minutes of the Finance Committee reflect this recommendation. The issues that were presented in the Auditor's report were minor and have already been addressed.

Mr. Kenyon asked Mr. Bradshaw to explain the Town's comments, and Mr. Bradshaw stated that the items had all been brought before the Council on the consent agenda, and the auditor's recommended a separate line item on the agenda instead. In regard to the purchase of police cars and debris removal, State statutes allow us to do this, but our charter does not have this specific provision. He and Mr. Clem have discussed amending the charter to reflect the State's provision.

Councilmember Atchison, supported by Councilman Becker, made a motion to accept the auditor's report. The motion passed unanimously by roll call vote.

A motion was made by Councilman Kenyon and seconded by Councilmember Becker to accept the recommendation of the Finance Committee to move \$1,050,000 in funds from the General Undesignated Reserve to the Emergency Fund. This motion also passed unanimously by roll call vote. Mayor Cadden thanked Mr. Duncan and Mr. Whitley for their reports.

Planning, Zoning and Variance Board

- a. Amend Palm Island Plantation PRD, Phase 2 from 48 Condos to 32 Town Homes
Mr. Jefferson from the Building Department reported that there were a couple of requests from the Planning & Zoning Committee, namely more parking space and the results from the review by the Town's engineers, Les Solin and Bill Hartman. These were received at 2 p.m. today, and the issues were addressed. Everything was fine with the engineer and the architect, and nine (9) more parking spaces were added.

Mr. David Knight with Knight McGuire, representing Palm Island Plantation, addressed the Council and audience by stating that this application is a modification of the previously approved Palm Island Plantation PRD, which was previously approved as four 12-unit condominium buildings, and is now reduced in the number of units from 48 to 32 town home style units. These will be 2-story units with a courtyard between each one, fee simple ownership. The lake area had a big tree that was brought down by Hurricane Frances two years ago, so the island in the lake has been cleaned up. As mentioned, 9 more parking spaces have been added throughout the complex, and each unit has four parking spaces - two inside the garage, and two in

front of the garage. The stormwater issues brought up by Mr. Solin have been addressed, Mr. Knight continued, and asked if there were any questions.

Councilman Ahrens said that he noticed that the vote that was taken at the Planning and Zoning meeting was in favor by 2:1 margin, and that the whole committee was not present. He suggested that the project be turned back to the Planning & Zoning Committee for a full committee review by the five members.

Councilman Kenyon asked what the vote from the committee was, and Mr. Bradshaw explained that the concern was that the full membership of the committee was not present at the P&Z meeting, and secondly that the full report from the engineers was not available. Now it has been received and all concerns were addressed. Mr. Clem said that there was a quorum at the P&Z meeting. Councilman Ahrens opined that the density seemed high. Councilman Becker asked what the motivation for reducing the number of units was, and Mr. Knight explained that there was an issue in obtaining contractors who would build a large 12-unit condo building in a timely manner. The developers here determined that a smaller scale using local contractors to build out as demand dictated would be better.

Councilman Ahrens made a motion that the project be returned to the Planning and Zoning Board for review, which died for lack of a second.

Mayor Cadden asked Mr. Jefferson if there were not more approvals needed along the way, and he affirmed, that this was only to approve the concept. No permits had been issued or applied for yet. Mayor Cadden said that this is just project approval, and he said it was. Mr. Clem said that as he understands our procedure, they have a right to come in and implement this plan. It is not just a concept, it is for project approval. Mr. Jefferson said that they had everything in the plans except for the detail on the construction, which won't be designed until the Council approves. Mayor Cadden said that it would also have to meet the current codes. Councilman Kenyon asked if the higher density had been previously approved, and Mayor Cadden and Mr. Jefferson said that it was approved at the 48-unit level.

Councilman Kenyon made a motion, supported by Councilman Becker, to accept the Planning and Zoning Board's recommendation to approve the amendment to the Palm Island Plantation PRD. A roll call vote was taken, which passed as follows:

Ayes: Councilmembers Kenyon, Becker, Atchison, and Mayor Cadden.

Nay: Councilmember Ahrens.

5. **Town Attorney**

- a. First Reading of Ordinance 483, Amending Ordinance 431, Screen Enclosure Height
Mr. Clem stated that it was called to our attention by the Planning, Zoning & Variance Board that the screen enclosure size in the existing ordinance shall not exceed 9 or 12 feet, which creates a problem with the scale of the enclosure adjacent to a larger home. The Board felt that this should be changed to read that the sidewalls of the screen enclosure cannot exceed the height of the house soffit fascia, and the

overall height cannot exceed one-half of the roof height. This is the only change recommended. Mr. Jefferson added that our ceilings are all 12' or 14' high, and to enter from the back of a home into an enclosure with 9' height, it feel like entering a tunnel and is aesthetically unpleasing. Mr. Clem then performed the first reading of the ordinance as follows:

Ordinance No. 483

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, RELATING TO THE HEIGHT OF SCREENED ENCLOSURES; AMENDING SECTION 5 OF ORDINANCE 431 OF THE TOWN; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

A motion by Councilman Becker seconded by councilman Kenyon to approve the first reading of Ordinance 483 passed unanimously by roll call vote.

- b. Estuary Request for Purchase of Small Parcel of Town Property
Mr. Clem requested that this item be pulled from the agenda as he did not have it on the agenda for any action by the Council, but wanted to have more information before it was discussed. Mayor Cadden concurred.

6. **Town Manager**

- a. Request for Late Seating: Chuck Rieggers, Jasmine of Vero (formerly Gonato's)
Mr. Bradshaw said that the Town's Ordinance 474 requires any owners of a restaurant to come before the Council if they want to request seating past 8 p.m. Mr. Rieggers and his wife who happens to be the chef, Kathy, were present to explain that they had just purchased the restaurant about a month ago, and requested that the Council allow them to continue the late seating time of 9 p.m. **Councilman Kenyon, supported by Councilmember Atchison, made a motion to approve the request for late seating. The motion passed unanimously.**
- b. Building & Grounds Committee Recommendation for Membership: Linda Zynda
Mr. Bradshaw said that the Building & Grounds Committee has unanimously approved a request for membership from Mrs. Linda Zynda to fill a vacancy that exists on the committee. Her qualifications were included in the Council packet, and Mrs. Zynda was also present to answer any questions. There being none, the Mayor said that they appreciate her willingness to serve and called for a motion. Councilmember Atchison, seconded by Councilmember Kenyon, **motioned to approve the appointment of Linda Zynda to the Building & Grounds Committee. The motion passed unanimously.**

7. **Call to Council**

- a. Committee Reports.
Council of Public Officials (COPO). Councilman Kenyon said that they met but nothing of significance was discussed, as several committee members are up for election soon. There is a great deal of concern regarding roads and traffic that led to discussion at the meeting.

- b. Metropolitan Planning Organization. Dr. Becker said that the MPO did not meet.
- c. Treasure Coast Regional Planning Council. Councilman Ahrens had given a written report for the Council to review at their leisure. He said that they undertook a regional transportation study and comprehensive plan amendments, and there will be a link between I-95 and the turnpike in Port St. Lucie. An interesting fact is that the projected population in 2025 for the City of Port St. Lucie is 425,000, which now a little over 100,000.
- d. Beach and Shores Preservation. The meeting recap from Monday, January 16 is outlined in Mr. Ahrens report. DEP had all restoration work halted on the beaches due to the lack of biological testing, and at the last moment an order to proceed was issued. Mayor Cadden informed the audience that a copy of the report would be available to anyone who requested it.
- e. Parks and Recreation Committee. The committee met on January 5, 2006 and highlights are included in Councilman Ahrens' report. He did add that the north county park was opened with four baseball diamonds, and that the Committee elected him as Vice-Chairman.
- f. Land Acquisition Advisory Committee. Councilmember Atchison said that they met yesterday, and are scrambling to acquire lands alongside the South Prong Slough, which runs on both sides of 510. They are trying to get the County to move quickly as these are probably the last stands of trees remaining.
- g. Treasure Coast Council of Local Governments. They will meet February 1, and the Mayor asked for the Council's recommendations on two or three key legislative issues. This has nothing to do with the Florida League of Cities, as the TCC will feed in what they want to support such as clean water and affordable housing to the Legislature.

Mayor Cadden then stated regrets for not doing this at the beginning of the meeting, and introduced the new Chief of Public Safety, Bill Schauman. He stood at the Mayor's beckoning, and the Mayor said that they appreciate his taking the job. Chief Schauman said that he really appreciated the Council's support, and especially Mr. Bradshaw for all of his help. He thanked them all.

- 8. Call to Audience. No response.
- 9. Adjournment
The meeting was adjourned at 4:09 p.m.

_____/s_____
Laura Aldrich, Town Clerk

(Approved by the Town Council at the 2/23/06 meeting)